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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,149	01/25/2001	Spencer A. Rathus	660-027	8433

7590 08/13/2002
Ward & Olivo
382 Springfield Avenue
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EXAMINER

LE, UYEN CHAU N

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,149

Applicant(s)

RATHUS ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 168-263 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 168-263 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 20 May 2002 and the Terminal Disclaimer filed 29 May 2002.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 168-169, 172, 174-175, 177-182, 184, 186-196, 199, 200, 210, 213-218, 220, 227-228, 230 -232, 234-237, 241-247, 249, 252, 254, 256, 258-263 remain rejected under 35 U.S.C. 102(e) as being anticipated by Brick et al (US 6,269,342).

Re claims 168-169, 172, 174-175, 177-182, 184, 186-196, 199, 200, 210, 213-218, 220, 227-228, 230 -232, 234-237, 241-247, 249, 252, 254, 256, 258-263: Brick et al discloses a system for displaying programming to a user, the system comprising printed stationery having at least one machine recognizable feature 342 (fig. 10); a feature recognition unit 80 (fig. 9) having a means 356 (fig. 10) for recognizing the feature 342 and a means [338A, 358A] (fig. 10) for transmitting a coded signal in response to the recognition of the feature 342; an intelligent controller 334 (fig. 10) having a means for accessing the programming material in response to

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receiving the coded signal; and a display unit 362 (fig. 10) for presenting the programming material (see figs. 9 and 10; col. 9, line 1 through col. 12, line 67; and col. 13, lines 35+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 170-171, 173, 176, 198, 201, 203-204, 206, 208-209, 211-212, 219, 221-226, 229, 233, 238-239, 250-251, and 253 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Brick et al in view of Rhoads (US 6,311,214). The teachings of Brick et al have been discussed above.

Re claims 170-171, 173, 176, 198, 201, 203-204, 206, 208-209, 211-212, 219, 221-226, 229, 233, 238-239, 250-251, and 253: Brick et al have been discussed above but fail to teach or

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fairly suggest that the data link comprising image/video/sound data link and the machine-readable feature comprises a digital watermark.

Rhoads teaches the above limitation with the data link comprising image/video/sound data link (col. 22, lines 1+); and the machine-readable feature comprises a digital watermark (col. 13, lines 5-40); also see figs. 1-2 and col.2, line 64 through col. 4, line 46; col. 8, line 8 through col. 10, line 59; col. 14, line 55 through col. 15, line 13; col. 18, lines 30+; col. 19, line 65 through col. 20, line 49; col. 22, lines 1+; col. 34, lines 5+; col. 36, lines 46+.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rhoads into the teachings of Brick et al in order to provide Brick et al with the latest technology, providing the user/operator with a clearer information data displayed. Furthermore, such modification would have provided the user/operator flexibility in selecting a desired format of previewing data. Moreover, such modification would have been an obvious extension as taught by Brick et al for aesthetic purpose (i.e., digital watermark machine-readable feature), well within the ordinary skill in the art, and therefore an obvious expedient

7. Claims 183, 185, 197, 202, 205, 207, 240, 248 and 257 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Brick et al in view of Reber et al (US 5,995,105). The teachings of Brick et al have been discussed above.

Re claims 185, 240 and 248: Brick et al have been discussed above but fails to teach or fairly suggest that the machine-readable feature is invisible; the data link comprising an integrated service digital network, a cable television line; and the display having a pager.

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Reber et al teaches the above limitation with an invisible machine-readable barcode (col. 4, lines 41-45); the data link comprising an ISDN, cable television system (col. 5, lines 14+ and col. 9, lines 20+); and the system having a two-way pagers (col. 3, lines 66+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Reber et al into the teachings of Brick et al in order to provide Brick et al with the latest technology for a more accurate and faster system due to the benefit of ISDN networking line. Furthermore, such modification would have provided Brick et al with a more secure system via invisible machine-readable feature. Moreover, such modification would have been an obvious extension as taught by Brick et al with a more user-friendly system due to the system's properties (i.e., faster, more accuracy and more secure), well within the ordinary skill in the art, and therefore an obvious expedient.

Response to Arguments

8. Applicant's arguments filed 20 May 2002 have been fully considered but they are not persuasive since the applicant has not specifically response to any of the previous rejection (see paper No. 5). Therefore, the Examiner has made this Office Action final.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on M-F 6:00-1:30 and Sat 6:00-11:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Uyen-Chau N. Le

August 7, 2002



KARL D. FRECH
PRIMARY EXAMINER